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Lead Counsel for Direct Purchaser Class

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE CAPACITORS ANTITRUST LITIGATION
THIS DOCUMENT RELATES TO THE DIRECT
PURCHASER CLASS ACTION

Master File No. 3:17-md-02801-JD
Civil Action No. 3:14-cv-03264-JD

**DIRECT PURCHASER CLASS'S
MOTION TO PARTIALLY EXCLUDE
PROPOSED EXPERT TESTIMONY OF
JANUSZ A. ORDOVER**

Hon. James Donato
Courtroom 11, 19th Floor
August 29, 2019
10:00 a.m.

“REDACTED VERSION OF DOCUMENT(S) SOUGHT TO BE SEALED”

NOTICE OF MOTION AND MOTION

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT, on August 29, 2019, at 10:00 a.m., or as soon thereafter as the matter may be heard, in the Courtroom of the Honorable James Donato, United States District Judge for the Northern District of California, located at 450 Golden Gate Avenue, San Francisco, California, the Direct Purchaser Class (“Class”) will and hereby does move for entry of an order excluding certain opinions offered by Janusz A. Ordover (“Ordover”) on behalf of Nippon Chemi-Con and United Chemi-Con. The opinions at issue are set forth at pp. 20-27 of the Expert Report of Janusz A. Ordover in this matter dated February 22, 2019. The Ordover Report is attached to the Declaration of Anupama K. Reddy submitted with this motion as Exhibit A.

The Class moves pursuant to Fed. R. Evid. 702, Fed. R. Evid. 703 and *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579, 589 (1993); *GE v. Joiner*, 522 U.S. 136, 146 (1997). Plaintiffs move on the grounds that the opinions at issue (1) contradict the facts admitted to by Nippon Chemi-Con when it entered into a guilty plea with the United States of America, and (2) are solely based on “facts” told to Ordover by an attorney for Nippon Chemi-Con, “facts” which Ordover is unable to recall or describe. Thus, these opinions are not only counterfactual, but they lack any basis.

This motion is based upon this Notice; the Memorandum of Points and Authorities in Support; the Declaration of Anupama K. Reddy, and any further papers filed in support of this motion as well as arguments of counsel and all records on file in this matter.

1 Dated: June 14, 2019

Respectfully Submitted,
JOSEPH SAVERI LAW FIRM, INC.

3 By: /s/ Steven N. Williams
4 Steven N. Williams

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